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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/806,971

03/23/2004

Francis John Prior

O320.103.101

2338

25281

7590

05/12/2008

DICKE, BILLIG & CZAJA

FIFTH STREET TOWERS

100 SOUTH FIFTH STREET, SUITE 2250

MINNEAPOLIS, MN 55402

EXAMINER

SENSENIG, SHAUN D

ART UNIT

PAPER NUMBER

4176

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/806,971 | Applicant(s) PRIOR, FRANCIS JOHN | |
| | Examiner Shaun Sensenig | Art Unit 4176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040323, 20050518, 20050523</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in:

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bailey et al. (US 2006/0059024) (hereafter referred to as Bailey).

3. In regards to **claim 1**, Bailey discloses:

A flight information system comprising: a collection system including:

(a) a collector for receiving flight information messages in a plurality of formats, (0021, lines 12-13 and 0078, lines 1-4) and

(b) a translator for converting flight information messages in the plurality of formats received by the data collector into flight information in a common format; (0023, lines 1-6) and

(c) a distribution system for selectively sending converted flight information to a customer as a mobile message. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

4. In regards to **claim 2**, Bailey discloses:

A flight information system, wherein the mobile message is an SMS message. (0104)

5. In regards to **claim 3**, Bailey discloses:

A flight information system, wherein the distribution system selectively sends converted flight information to a customer via a wireless mobile device accessible by the customer. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

6. In regards to **claim 4**, Bailey discloses:

A flight information system, wherein the distribution system includes a file generator for generating a notification file containing a portion of the flight information as specified in a customer profile, the distribution system being configured to send the file generated by the file generator to the customer. (0021, line 15 and 0125, lines 6-8)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 5-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bailey in view of Bröndrup (US 7,315,823).

10. In regards to **claim 5**, Bailey discloses: a distribution system for distributing flight information to a plurality of customers, the distribution system comprising:

(b) a file generator for generating a notification file of flight information for each of the plurality of customers based upon the customer profile corresponding to each of the plurality of customers (0021, line 15 and 0125, lines 6-8) and

(c) a data distributor for selectively sending the notification files generated to the plurality of customers as mobile messages. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

Bailey does not disclose the use of customer profiles, however, Bröndrup teaches:

(a) a plurality of customer profiles, each customer profile storing a list of flight information requested by one of the plurality of customers. (column 7, 60-63)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Bailey so as to included customer profiles, in accordance with the teachings of Bröndrup in order to increase efficiency and customer usability, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

11. In regards to **claim 6**, Bailey discloses:

A distribution system for distributing flight information to a plurality of customers, wherein the mobile messages are SMS messages. (0104)

12. In regards to **claim 7**, Bailey discloses:

A distribution system for distributing flight information to a plurality of customers, wherein the data distributor sends the mobile messages to a plurality of wireless mobile devices accessible by the respective plurality of customers. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

13. In regards to **claim 8**, Bailey discloses:

A distribution system for distributing flight information to a plurality of customers, wherein the data distributor includes a delivery system for converting notification files into mobile messages. (0102-0104)

14. In regards to **claim 9**, Bailey discloses:

A distribution system for distributing flight information to a plurality of customers, wherein the data distributor includes a delivery system for routing the mobile messages to a wireless service provider having access to the customer. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

15. In regards to **claim 10**, Bailey discloses:

A method of distributing flight information to a plurality of customers, the method comprising:

(b) identifying a change to flight information stored in a storage system; (0125, lines 6-8)

(c) generating a notification file for each of the plurality of customers based upon the change to the flight information and the customer profiles; (0021, line 15 and 0125, lines 6-8) and

(d) selectively sending the notification files generated to the plurality of customers as mobile messages. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

Bailey does not disclose the use of customer profiles, however, Bröndrup teaches:

(a) providing a customer profile for each of the plurality of customers. (column 7, 60-63)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Bailey so as to included customer profiles, in accordance with the teachings of Bröndrup in order to increase efficiency and customer usability, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16. In regards to **claim 11**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein the mobile messages are SMS messages. (0104)

17. In regards to **claim 12**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein selectively sending the notification files includes selectively sending the notification files to an electronic device accessible by the respective customers. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

18. In regards to **claim 13**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein the electronic device is a wireless mobile device. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

19. In regards to **claim 14**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein selectively sending the notification files to the plurality of customers includes converting notification files to mobile messages. (0102-0104)

20. In regards to **claim 15**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein selectively sending the notification files to the plurality of customers includes routing the mobile messages to a wireless service provider having access to the customer. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

21. In regards to **claim 16**, Bailey discloses:

A method of distributing flight information to a plurality of customers, wherein selectively sending the notification files to the plurality of customers includes selectively sending the notification files to a delivery system and forwarding the notification files to the plurality of customers from the delivery system. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

22. In regards to **claim 17**, Bailey discloses:

A business method for providing flight information to a customer, the method comprising:

(b) receiving flight information in a plurality of formats from a plurality of suppliers; (0021, lines 12-13 and 0078, lines 1-4)

(c) translating the flight information received in a plurality of formats to a common format; (0023, lines 1-6)

(d) distributing translated flight information to the customer based upon the customer profile as a mobile message; (0021, line 15; 0023, lines 3-6; 0070; and 0104) and

(e) tracking flight information distributed; (Abstract, lines 10-11)

Bailey does not disclose the use of customer profiles or billing, however, Bröndrup teaches:

(a) defining a customer profile including a financial model and a list of flight information requested by the customer under the financial model; (column 7, 60-63) and

(f) billing the customer based upon the financial model and the flight information tracked. (abstract, lines 3-4 and Column 1, lines 2-3)

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Bailey so as to included customer profiles and billing, in accordance with the teachings of Bröndrup in order to increase efficiency and customer usability, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

23. In regards to **claim 18**, Bailey discloses:

A business method for providing flight information to a customer, wherein the mobile message is an SMS message. (0104)

24. In regards to **claim 19**, Bailey discloses:

A business method for providing flight information to a customer, wherein distributing translated flight information to the customer includes sending the mobile message to a wireless mobile device accessible by the customer. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

25. In regards to **claim 20**, Bailey discloses:

A business method for providing flight information to a customer, wherein distributing translated flight information to the customer includes forwarding translated flight information to a delivery system and distributing translated flight information to the customer from the delivery system. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

26. In regards to **claim 21**, Bailey discloses:

A business method for providing flight information to a customer, wherein the delivery system is an airlines. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

27. In regards to **claim 22**, Bailey discloses:

A business method for providing flight information to a customer, wherein the delivery system is a travel related business. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

28. In regards to **claim 23**, Bailey discloses:

A business method for providing flight information to a customer, wherein distributing translated flight information to the customer includes routing the mobile message through a wireless service provider with access to the customer. (0021, line 15; 0023, lines 3-6; 0070; and 0104)

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Davis et al. (US 6,353,794),
Maycotte et al. (US 2004/0039613), and
Niwa (US 6,983,154).

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun Sensenig whose telephone number is (571) 270-5393. The examiner can normally be reached on Monday to Thursday 7:30 to 5:00 ET.

31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

32. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. S./
Examiner, Art Unit 4176
May 5, 2008

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 4176